

State of Alaska
Alcoholic Beverage Control Board
July 11, 2007
Agenda

Present at meeting: Mike Gordon; Gail Niemi; Billy Andrews; Shirley Gifford;
Present via teleconference: William Tull for items 1A; 1B, and 2F-2

1. ADMINISTRATION

A. Approve minutes April 18, 2007 Board meeting.
Mr. Andrews motions to approve; Ms. Gifford seconds the motion
Approved – 4-0

B. Delegate tie-breaking vote to the Director.
Mr. Andrews motions to approve; Ms. Gifford seconds the motion
Approved – 4-0

2. ADMINISTRATIVE MATTERS

A. INFORMAL CONFERENCES

B. HEARING OFFICER DECISIONS

C. SETTLEMENT AGREEMENT

D. VOLUNTARY RELINQUISHMENT OF LICENSE

E. REQUEST FORMAL HEARING

F. SUSPENSION

1. 06/07-1872 **Hogg Brothers Café & Watering Trough;** Original Hogg Brothers Inc., The; located at 1049 W Northern Lights Blvd in Anchorage; restaurant/eating place license.

Board consideration of suspension.

Postponed until September 2007 meeting.

Attachment 2F-1

2. 06/07-1223 **Westside Liquor**; LIM Corporation; located at 1922 Tongass Ave in Ketchikan; package store license.

Board consideration of suspension.

Attachment 2F-2

Ms. Gifford motions to suspend for four (4) days

There is no second to the motion

Discussion regarding the levity of a suspension

Mr. Andrews motions to suspend for one(1) hour

Ms. Niemi seconds the motion

Discussion – Ms. Gifford does not agree; Mr. Andrews feels that the licensee is sincere; all board members agree that the laws need to be changed – possibly allowing for Enforcement to issue a “fix-it” ticket

5-0 roll call (Mr. Tull is available for this item) - Approved

~~3. 07/08 4507 **Trio Restaurant**; Y & Y LLC; located at 1235 Airport Way Ste 1 in Fairbanks; beverage dispensary license.~~

~~Board consideration of suspension.~~

~~**Attachment 2F-3**~~

~~*Removed from agenda prior to meeting – violation was not committed by licensee.*~~

4. 07/08-2069 **Nikko Garden**; Si Cha Sin; located at 36100 Spur Rd in Kenai Peninsula Borough; restaurant/eating place license.

Board consideration of suspension.

Attachment 2F-4

Ms. Gifford motions to suspend for 45 days with 30 suspended and \$1000 fine with \$500 suspended, with restaurant to remain open, but no alcohol during suspension period

Mr. Andrews seconds the motion

Discussion – Mr. Andrews feels that the licensee’s attitude at time of arrest contributes to the length of the suspension; Ms. Niemi feels that this suspension is too heavy handed for first offense

Vote – Ms. Niemi - NO; Mr. Andrews – YES; Mr. Gordon - NO; Ms. Gifford – YES; Director Griffin - YES

3-2 - Approved

G. BOARD CONSIDERATION

1. 07/08-369 **BPO Elks Lodge #2537**; BPO Elks Lodge #2537; located at 339 Fairbanks St in Valdez; club license.

Please see attached letter.

Attachment 2G-1

No action taken

2. **Request to remove name from Bootlegger List**

Attachment 2G-2

Postponed until more information can be obtained regarding conviction

3. 05/06-845 **Pelican Wet Goods**; Steve & Jill Daniels; located at 1014 Pelican Way in Pelican; package store license.

Licensee expiration for failure to complete renewal on or before February 28, 2007. Complete application and fees received 4/30/07. Attachment 2G-3

Mr. Andrews motions to approve resurrection and renewal

Ms. Niemi seconds the motion

Approved 4-0

4. 05/06-3523 **Glacier Sound Inn**; Glacier Sound Inn, Inc.; located at 210 Egan Dr in Valdez; beverage dispensary - tourism license.

Licensee expiration for failure to complete renewal on or before February 28, 2007. Complete application and fees received 6/14/07. Attachment 2G-4

Mr. Andrews motions to approve resurrection and renewal

Ms. Gifford seconds the motion

Approved 4-0

5. New “pitcher” (apparatus) for single servings of beer.
No action taken – more information needs to be obtained

Attachment 2G-5

6. Update on draft legislation
No action taken

Attachment 2G-6

3. CONSENT AGENDA

Mr. Andrews motions to approve in its entirety

Ms. Niemi seconds the motion

4-0 - Approved

A. 07/08-4693 **Contessa, M/V**; American West Steamboat Company, LLC; located in Alaskan Waters; **new** common carrier - seasonal license; backgrounds complete.

All statutory requirements have been met. No local governing body. Temporary approval issued.

B. 07/08-4620 **Highliner Lodge & Charters**; James & Jill Daniels; located at 1014 Salmon Way in Pelican; **new** lodge license; backgrounds complete.

All statutory requirements have been met. City of Pelican has not responded. Temporary approval issued.

C. 07/08-4697 **Noordam, M/V**; Holland America Line Inc.; located in Alaskan Waters; **new** common carrier - seasonal license; backgrounds complete.

All statutory requirements have been met. No local governing body. Temporary approval issued.

D. 07/08-4559 **Norwegian Pearl**; NCL (Bahamas) Ltd.; located in Alaskan Waters; **transfer vessel/name** of a common carrier - seasonal license; from Norwegian Wind; backgrounds complete.

All statutory requirements have been met. No local governing body. Temporary approval issued.

AND

07/08-4559 **Norwegian Sun**; NCL (Bahamas) Ltd.; located in Alaskan Waters; **new** common carrier - seasonal license; backgrounds complete.

All statutory requirements have been met. No local governing body. Temporary approval issued.

E. 07/08-753 **Wasabi**; Flying Fish, LLC; located at 59217 East End Rd in Kenai Peninsula Borough; **transfer of location & name change** of a beverage dispensary license; from No Premises, d.b.a. flying Fish; backgrounds complete.

All statutory requirements have been met. Kenai Peninsula Borough does not protest. Temporary approval issued.

END CONSENT AGENDA

4. DELEGATION CONSENT AGENDA

Mr. Andrews motions to approve in its entirety (including Delegation Consent Agenda items on Addendum)

Ms. Gifford seconds the motion

4-0 - Approved

A. 07/08-4700 **Alaska Zipline Adventures**; Alaska Zipline Adventures, LLC; located at 3000 Fish Creek Rd; **new** recreational site license; backgrounds not complete.

All statutory requirements have been met. City & Borough of Juneau does not protest. Temporary approval issued.

B. 07/08-4446 **Alaska 1910**; Elizabeth Rollins; located at 4625 Airport Way in Fairbanks North Star Borough; **transfer of ownership (re-transfer)** of a beverage dispensary license; from Thresa D. Hester; backgrounds not complete.

All statutory requirements have been met. Fairbanks North Star Borough has not responded (notice sent 3/19/07).

C. 07/08--4083 **Aleutian China Restaurant**; Kyung Mi Yoo; located at 100 Main St in Sand Point; **transfer of ownership** of a restaurant/eating place license; from Soo Ung Kim; backgrounds not complete.

All statutory requirements have been met. City of Sand Point has not responded (notice sent 3/19/07). Temporary approval issued.

D. 07/08-4711 **Asuka II**; NYK Cruises Co., Ltd.; located in Alaskan Waters; **new** common carrier - seasonal license, backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approval issued.

E. 07/08-4713 **Boardwalk Fish & Chips;** D&H. Inc.; located at 4287 Homer Spit Rd in Homer; **new** restaurant/eating place – public convenience seasonal license; backgrounds not complete.

All statutory requirements have been met. City of Homer approves.

F. 07/08-3272 **Chatanika Gold Camp;** Jack I. O'Brien; located at 27.5 Mile Steese Hwy in the Fairbanks North Star Borough; **transfer of ownership (re-transfer)** of a beverage dispensary – tourism license from Fudd & Fide LLC; backgrounds not complete.

All statutory requirements have been met. Fairbanks North Star Borough does not protest. Temporary approval issued.

G. 07/08-4693 **Chugach Powder Guides;** Chugach Adventure Guides LLC; located at Judd Lake in the MatSu Borough; **new** lodge license; backgrounds not complete.

All statutory requirements have been met. MatSu Borough does not protest. Temporary approval issued.

H. 07/08-4696 **Gene's Place;** Northern Lights Espresso Inc.; located at 517 5th Ave in Seward; **transfer of ownership, location, & name change** of a beverage dispensary – tourism license; from Snow Den Enterprises, Inc., d.b.a. New Seward Hotel/New Seward Saloon; backgrounds not complete.

All statutory requirements have been met. City of Seward does not protest.

I. 07/08-4701 **Golden Princess;** Princess Cruise Lines Ltd.; located in Alaskan Waters; **new** common carrier - seasonal license, backgrounds not complete.

AND

07/08-4702 **Pacific Princess;** Princess Cruise Lines Ltd.; located in Alaskan Waters; **new** common carrier - seasonal license, backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approval issued.

J. 07/08-4703 **Great Alaska Fish & Chip Co., The;** Slinkard & Smith Co LLC; located at Mile 238.9 Parks Hwy in the Denali Borough; **new** restaurant/eating place – public convenience seasonal license; backgrounds not complete.

All statutory requirements have been met. Denali Borough approves. Temporary approval issued.

K. 07/08-4694 **Henry's Great Alaskan Restaurant;** Henry's of Alaska, Inc.; located at 8001 Old Seward Hwy in Anchorage; **transfer of ownership, location & name change** of a beverage dispensary license; from Lamexicana, Inc., d.b.a. La Mex Restaurant, located at 901 W 5th Ave; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest. Temporary approval issued.

L. 07/08-4699 **Hidden Inlet Resort;** HIR, LLC; located at Hidden Island in an Unorganized Area; **new** lodge license; backgrounds not complete.

All statutory requirements have *not* been met (Dept. of Environmental Conservation has not responded.)
No local governing body.

M. 07/08-4708 **Kenai Golf Course**; Griffin Golf Enterprises, LLC; located at 1420 Lawton Dr in Kenai; **new** golf course license; backgrounds not complete.

All statutory requirements have been met. City of Kenai does not protest. Temporary approval issued.

N. 07/08-527 **Moose Creek Lodge/Cukoo's Nest**; RAQO, LLC; located at 3560 Old Richardson Hwy in Fairbanks North Star Borough; **transfer of ownership** of a beverage dispensary license; backgrounds not complete.

All statutory requirements have been met. Fairbanks North Star Borough does not protest. Temporary approval issued.

O. 07/08-4574 **North Lakes Liquor**; North Lakes Liquor Inc.; located at 4891 E Stoney Hollow Dr in MatSu Borough; **transfer of ownership, location & name change** of a package store license; from matt Gittlein & Brian Gittlein; d.b.a. B&M Liquors, located at No Premises; backgrounds not complete.

All statutory requirements have been met. MatSu Borough does not protest. Temporary approval issued.

P. 07/08-4709 **Pacific Venus, M/V**; Japan Cruise Line, Inc.; located in Alaskan Waters; **new** common carrier – seasonal license; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approval issued.

Q. 07/08-2755 **Salmon Falls Resort**; Salmon Falls Resort LLC; located at 16707 N Tongass Hwy in Ketchikan; **transfer of ownership & name change** of a beverage dispensary – tourism license; backgrounds not complete.

All statutory requirements have been met. City of Ketchikan does not protest. Temporary approval issued.

R. 07/08-1346 **Shell lake Lodge**; Zoe A. Brinker; located at Shell Lake Lot 12 in MatSu Borough; **transfer of ownership** of a beverage dispensary license; from Zoe & Randall Brinker; backgrounds not complete.

All statutory requirements have *not* been met. MatSu Borough has not responded (notice sent 3/30/07).

S. 07/08-4706 **Skagway Brewing Company**; Skagway Brewing Company; located at Broadway between 7th & 8th Ave in Skagway; **new** restaurant/eating place – public convenience license; backgrounds not complete.

All statutory requirements have been met. City of Skagway approves. Temporary approval issued.

AND

07/08-4707 **Skagway Brewing Company**; Skagway Brewing Company; located at Broadway between 7th & 8th Ave in Skagway; **new** brewpub license; backgrounds not complete.

All statutory requirements have **not** been met. City of Skagway does not protest.

T. 06/07-68 Wagons North Trading Post; Helen Kennedy; located at 3342 Chena Hot Springs Rd in Fairbanks North Star Borough; **transfer of ownership & name change** of a package store license; from Tracy Walters, d.b.a. 10 Mile Mercantile; backgrounds not complete.

All statutory requirements have been met. Fairbanks North Star Borough does not protest. Temporary approval issued.

U. 07/08-4698 Wild West Klutina Lodge; Klutina Lodge LLC; located at Mile 100 Richardson Hwy in an Unorganized Area; **new** lodge – seasonal license; backgrounds not complete.

All statutory requirements have been met. No local governing body. Temporary approval issued.

V. 07/08-4689 Yard Arm, The; Hotel Edgewater, LLC; located at 200 5th Ave in Seward; **new** beverage dispensary – tourism license; backgrounds not complete.

All statutory requirements have been met. City of Seward does not protest. Temporary approval issued.

END DELEGATION CONSENT AGENDA

5. PROTESTS

6. OTHER FILINGS

7. BACKGROUND INFORMATION

8. MUTUALLY EXCLUSIVE AND COMPETING APPLICATIONS

Date of next meeting: **September 6, 2007**

Location of next meeting: **Anchorage**

ADDENDUM ABC Board Meeting July 11, 2007

2G. Board Consideration (Cont.)

7. 05/06-3369 Nero's Pizza; Emmanuel Xenikakis; located at Mile 26 Kenai Spur Hwy in Kenai Peninsula Borough; restaurant/eating place license.

Licensee expiration for failure to complete renewal on or before February 28, 2007. Complete application and fees received July 10, 2007. **Attachment 2G-7**

Mr. Andrews motions to approve resurrection and renewal

Ms. Gifford seconds the motion

Approved 4-0

4. Delegation Consent Agenda (Cont.)

W. 06/07-2742 **Anchorage Billiard Palace;** B.P. Billiards LLC; located at No Premises in Anchorage; **transfer of ownership & location** of a beverage dispensary license; from The Club Company, located at 4848 Old Seward Hwy; backgrounds not complete.

All statutory requirements have been met. Municipality of Anchorage does not protest.

X. 06/07-1156 **Tony's Liquor Store;** CNG Inc.; located at 518 Marine Way in Kodiak; **transfer of ownership** of a package store license; from Tony's Inc.; backgrounds not complete.

AND

06/07-1155 **Tony's Bar;** CNG Inc.; located at 518 Marine Way in Kodiak; **transfer of ownership** of a beverage dispensary license; from Tony's Inc.; backgrounds not complete.

All statutory requirements have been met. City of Kodiak does not protest.